

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 6/10/2013

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Darin D Krier
Douglas D Vollmer
Paul J. Morgan
Nancy Sommerwerck

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Maria Brown, Technical Records Specialist

The meeting was called to order at 8:31 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 4/22/2013 minutes. It was moved by Ms. Sommerwerck to approve the 4/22/2013 minutes as written. Seconded by Mr. Vollmer, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She informed the Board that there is a process change regarding the requirement that Boards notify various stakeholders of proposed law and rule changes.

FINANCIAL REPORT

Ms. Cory presented the financial report, which indicates a cash balance of (\$50,828.50) as of 5/31/2013.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2012-8. Mr. Morgan recused himself from discussion and voting on case REA-2012-8. Following review, it was moved by Ms. Sommerwerck to close case REA-2012-8 with a warning letter. Seconded by Mr. Krier, motion carried.

Mr. Nelson presented a memorandum for case REA-2013-3. After review, the Board presented its recommendations to its prosecuting attorney.

Mr. Nelson presented a memorandum for case REA-2013-4. After review, the Board presented its recommendations to its prosecuting attorney.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report, which is linked above.

For Board Determination:

Case number I-REA-2013-10. Mr. Krier recused himself from discussion and voting on case I-REA-2013-10. Following review, it was moved by Mr. Morgan to accept the Bureau's recommendation for closure for case I-REA-2013-10 with a warning letter. Seconded by Mr. Vollmer, motion carried.

Case number I-REA-2013-20. Mr. Vollmer recused himself from discussion and voting on case I-REA-2013-20. Following review, it was moved by Mr. Morgan to accept the Bureau's recommendation for closure for case I-REA-2013-20 with a warning letter. Seconded by Mr. Krier, motion carried.

Case number I-REA-2013-21. Mr. Morgan and Mr. Krier recused themselves from discussion and voting on case I-REA-2013-21. Following review, it was moved by Ms. Sommerwerck to accept the Bureau's recommendation for closure for case I-REA-2013-21. Seconded by Mr. Vollmer, motion carried.

PROBATION REPORT

Ms. Peel presented the probation report.

FORMAL DISCIPLINARY ACTION

Ms. Peel presented a Findings of Fact, Conclusions of Law and Final Order for case REA-2013-10. It was moved by Mr. Krier to accept the Findings of Fact, Conclusions of Law and Final Order for case REA-2013-10 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Vollmer, motion carried.

EXECUTIVE SESSION

A motion was made by Ms. Sommerwerck that the Board go into executive session under Idaho Code § 67-2345(1) (f). The purpose of the executive session was to discuss the Titus lawsuit. Seconded by Mr. Krier. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

It was moved by Ms. Sommerwerck that the Board enter regular session. Seconded by Mr. Vollmer. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

Mr. Ellsworth addressed the Board regarding the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order for case REA-2010-19. Mr. Morgan recused himself from discussion and voting on case REA-2010-19. It was moved by Ms. Sommerwerck to strike the respondent's motion to reconsider, find that the prosecutors motion to strike moot and to adopt the Findings of Fact, Conclusions of Law, and Recommended Order for case REA-2010-19 and assess a \$1000.00 fine, plus fees and costs, and one year probation with the submission of quarterly logs. Seconded by Mr. Vollmer, motion carried.

OLD BUSINESS

PROPOSED LAW AND RULE CHANGES

Mr. Hales addressed the Board on the proposed law and rule changes that the Board addressed during its 4/30/2012, 6/18/2012, 8/20/2012, 12/3/2012, 2/6/2013, and 4/22/2013 Board meetings. It was moved by Mr. Vollmer to approve the proposed law change regarding background checks of new applicants and to direct staff to submit it to the Governor's Office. Seconded by Ms. Sommerwerck, motion carried. Ms. Cory stated that the Bureau will run the language past the Idaho State Police. It was moved by Mr. Vollmer to approve the proposed rule change regarding appraisals in litigation and to direct staff to submit it to the Governor's Office. Seconded by Ms. Sommerwerck, motion carried. The Board addressed proposing a new rule regarding its jurisprudence exam. After discussion, the Board decided to not propose the change and to continue using the open book exam as it has, by attaching it to its applications for licensure.

TO DO LIST

The Board reviewed the to do list. No action was taken.

NEW BUSINESS

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS

Ms. Brown presented an overview of the Association of Appraiser Regulatory Officials spring meeting.

LICENSURE COUNT

The Board discussed the current licensee count.

CORRESPONDENCE

The Board reviewed an e-mail from Susan B. Wight regarding reporting of certification information on appraisals. The Board directed Ms. Brown to respond to Ms. Wight and ask for clarification of her questions. Once clarified, Ms. Brown may answer the questions, if appropriate.

APPRAISAL QUALIFICATION BOARD

The Board addressed the July 1, 2013 AQB criteria changes requiring all supervisors to hold a current certified appraiser's license. The Board directed Ms. Brown to send a letter to the Idaho registered trainee that is being supervised by a licensed residential appraiser outlining the requirement that the supervision be gained from a certified Idaho appraiser after July 1, 2013.

APPRAISAL FOUNDATION

The Board reviewed correspondence from the Appraisal Foundation regarding the newly created National Alliance formed to develop valuation education. No action was taken.

APPRAISAL SUBCOMMITTEE

The Board reviewed correspondence from the Appraisal Subcommittee regarding its revised Policy Statements. No action was taken.

EXECUTIVE SESSION

A motion was made by Ms. Sommerwerck that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. Seconded by Mr. Morgan. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

It was moved by Mr. Vollmer that the Board enter regular session. Seconded by Mr. Morgan. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

APPLICATIONS

Approved for licensure by examination

It was moved by Mr. Morgan to approve the following applicants for licensure by examination:

BRETT DANIEL BURTON	CRA
THERESA MARIE CAYWOOD	CRA
DAN J SPANFELNER	CGA

Seconded by Mr. Vollmer, motion carried.

Approved for a temporary practice permit

It was moved by Mr. Morgan to approve the following applicant for a temporary practice permit:

ALLEN NEAL SAFER	TCGA
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Seconded by Mr. Vollmer, motion carried.

Approved for licensure by reciprocity

It was moved by Mr. Morgan to approve the following applicants for a licensure by reciprocity:

LAURIE ELIZABETH EAGAN	CRA
KENNETH LEWIS DAVIS	CGA

Seconded by Mr. Vollmer, motion carried.

NEXT MEETING 8/19/2013

ADJOURNMENT

It was moved by Mr. Vollmer that the meeting adjourn at 12:07 PM MDT.
Seconded by Ms. Sommerwerck, motion carried.